

Civil Action No. CV 10-S-3176-E

^{1/} All citations herein to “Doc(s). ____” are to the document numbers assigned by the clerk of the court in compiling the case file.

be DISMISSED with prejudice. The magistrate judge further recommended that AHC's dispositive motion be otherwise DENIED without prejudice, and the remaining state-law claims be REMANDED to the Circuit Court of Calhoun County, Alabama.

The parties were referred to the provisions of 72(a), *Federal Rules of Civil Procedure*. There have been no objections filed to the magistrate judge findings.

The Court is of the opinion that the magistrate judge's findings are due to be, and hereby are, ADOPTED, and his recommendations are ACCEPTED. Accordingly, AHC's motion to dismiss pursuant to Rule 12(b)(6), Fed. R. Civ. P., (Doc. 4) is due to be GRANTED IN PART, as it relates to the First Amendment Claim. Alternatively, AHC's motion for summary judgment (Doc. 4) is due to be GRANTED IN PART, also as to the First Amendment claim. As a result, Barton's First Amendment Claim is due to be DISMISSED with prejudice. AHC's dispositive motion is otherwise due to be otherwise DENIED without prejudice, and the remaining state-law claims are due to be REMANDED to the Circuit Court of Calhoun County, Alabama. A final order will be entered.

DONE and ORDERED this 31st day of March, 2011.



United States District Judge